

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONALD CLARK,

Petitioner,

v.

JEFFREY A. BEARD, SECRETARY FOR
PA DEPT. OF CORRECTIONS,
MICHAEL WISENOWISZ,
SUPERINTENDENT, PHILADELPHIA
DISTRICT ATTORNEY'S OFFICE,
ATTORNEY GENERAL OF THE STATE
OF PENNSYLVANIA,

Respondents.

CIVIL ACTION NO. 10-3164

ORDER

AND NOW, this 18th day of November, 2015, after considering the petition for writ of habeas corpus (Doc. No. 1), amended petition for writ of habeas corpus (Doc. No. 12) and the accompanying memorandum in support (Doc. No. 20), the respondents' response thereto (Doc. No. 32), the state-court record, the report and recommendation filed by United States Magistrate Judge David R. Strawbridge (Doc. No. 48), the objections to the report filed by the petitioner (Doc. No. 55), and the respondents' response to the objections (Doc. No. 59); accordingly, it is hereby **ORDERED** as follows:

1. The Clerk of Court is **DIRECTED** to remove this action from civil suspense;
2. The petitioner's objections to the report and recommendations (Doc. No. 55) are

OVERRULED;¹

¹ The court conducts a *de novo* review and determination of the portions of the report and recommendation by the magistrate judge to which there are objections. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."); *see also* E.D. Pa. Loc. R. Civ. P. 72.1(IV)(b) (providing requirements for filing objections to magistrate judge's proposed findings, recommendations or report).

3. The Honorable David R. Strawbridge's report and recommendation (Doc. No. 48) is **APPROVED** and **ADOPTED**;

4. The amended petition for writ of habeas corpus (Doc. No. 12) is **DENIED WITHOUT AN EVIDENTIARY HEARING**;

5. The petitioner has not made a substantial showing of the denial of a constitutional right and, therefore, the court **SHALL NOT** issue a certificate of appealability, 28 U.S.C. § 2253(c)(2);² and

6. The Clerk of Court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith, J.
EDWARD G. SMITH, J.

² See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (explaining requirements for obtaining a certificate of appealability under section 2253(c)(2)).